

NURSING HOME ADMINISTRATORS

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CHAPTER 140
ADMINISTRATIVE AND REGULATORY AUTHORITY FOR THE
BOARD OF EXAMINERS FOR NURSING HOME ADMINISTRATORS

645—140.1(17A,155) Definitions.

“Board” means the board of examiners for nursing home administrators.

“Board office” means the office of the administrative staff.

“Department” means the department of public health.

“Disciplinary proceeding” means any proceeding under the authority of the board pursuant to which licensee discipline may be imposed.

“License” means a license to practice as a nursing home administrator under the laws of this state.

“Licensee” means a person licensed to practice as a nursing home administrator in the state of Iowa.

“Nursing home” means any institution or facility, or part thereof, defined as such for licensing purposes under state law or pursuant to the rules for nursing homes established by the department of inspections and appeals, whether proprietary or nonproprietary, including but not limited to nursing homes owned and administered by the federal or state government or any agency or political subdivision thereof.

“Nursing home administrator” means a person who administers, manages, supervises, or is in general administrative charge of a nursing home whether or not such individual has an ownership interest in such home and whether or not the individual’s functions and duties are shared with one or more individuals. A member of a board of directors, unless also serving in a supervisory or managerial capacity, shall not be considered a nursing home administrator.

“Overpayment” means payment in excess of the required fee. Overpayment of less than \$10 received by the board shall not be refunded.

“Peer review” means evaluation of professional services rendered by a professional practitioner.

“Peer reviewer(s)” means one or more persons acting in a peer review capacity who have been appointed by the board for such purpose.

645—140.2(17A,155) Purpose of board. The purpose of the board is to administer and enforce the provisions of Iowa Code chapters 17A, 147, 155 and 272C with regard to practicing as a nursing home administrator. The mission of the board is to protect the public health, safety and welfare by licensing qualified individuals who provide services to consumers and by fair and consistent enforcement of the statutes and the rules of the licensure board. Responsibilities include, but are not limited to:

140.2(1) Licensing of qualified applicants by examination, renewal, endorsement, and reciprocity.

140.2(2) Developing and administering a program of continuing education to ensure the continued competency of individuals licensed by the board.

140.2(3) Imposing discipline on licensees as provided by statute or rule.

645—140.3(17A,147,272C) Organization of board and proceedings.

140.3(1) The board is composed of nine members appointed by the governor and confirmed by the senate.

140.3(2) The members of the board shall include:

a. Four members who shall be licensed nursing home administrators, one of whom shall be an administrator of a nonproprietary nursing home;

b. Three members shall be persons who are licensed members of any of the professions concerned with the care and treatment of chronically ill or elderly patients and who are not nursing home administrators or nursing home owners; and

c. Two members who are not licensed nursing home administrators or licensed persons under Iowa Code chapter 147 and who shall represent the general public. The members shall be interested in the problems of elderly patients and nursing home care, but shall have no financial interest in any nursing home.

140.3(3) The board shall elect a chairperson, vice chairperson, and secretary from its membership at the first meeting after April 30 of each year.

140.3(4) The board shall hold at least one annual meeting.

140.3(5) A majority of the members of the board shall constitute a quorum.

140.3(6) Board meetings shall be governed in accordance with Iowa Code chapter 21, and the board's proceedings shall be conducted in accordance with Robert's Rules of Order, Revised.

140.3(7) The professional licensure division shall furnish the board with the necessary facilities and employees to perform the duties required by this chapter, but shall be reimbursed for all costs incurred from funds appropriated to the board.

140.3(8) The board has the authority to:

a. Develop and implement a program of continuing education to ensure the continued competency of individuals licensed by the board.

b. Establish fees.

c. Establish committees of the board, the members of which shall be appointed by the board chairperson and shall not constitute a quorum of the board. The board chairperson shall appoint committee chairpersons.

d. Hold a closed session if the board votes to do so in a public roll-call vote with an affirmative vote of at least two-thirds if the total board is present or a unanimous vote if fewer are present. The board will recognize the appropriate statute allowing for a closed session when voting to go into closed session. The board shall keep minutes of all discussion, persons present, and action occurring at a closed session and shall tape-record the proceedings. The records shall be stored securely in the board office and shall not be made available for public inspection.

e. Investigate alleged violations of statutes or rules that relate to practicing as a nursing home administrator upon receipt of a complaint or upon the board's own initiation. The investigation will be based on information or evidence received by the board.

f. Initiate and impose licensee discipline.

g. Monitor licensees who are restricted by a board order.

h. Establish and register peer reviewers.

i. Refer a complaint to one or more registered peer reviewers for investigation and review. The peer reviewers will review cases and recommend appropriate action. However, the referral of any matter shall not relieve the board of any of its duties and shall not divest the board of any authority or jurisdiction.

j. Perform any other functions authorized by a provision of law.

645—140.4(17A) Official communications.

140.4(1) All official communications, including submissions and requests, may be addressed to the Board of Examiners for Nursing Home Administrators, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

140.4(2) Notice of change of address. Each licensee shall notify the board of a change of the licensee's current mailing address within 30 days after the change of address occurs.

140.4(3) Notice of change of name. Each licensee shall notify the board in writing of a change of name within 30 days after changing the name.

645—140.5(17A) Office hours. The board office is open for public business from 8 a.m. to 4:30 p.m., Monday to Friday of each week, except holidays.

645—140.6(21) Public meetings. Members of the public may be present during board meetings unless the board votes to hold a closed session. Dates and location of board meetings may be obtained from the board's Web site (<http://www.idph.state.ia.us/licensure>) or directly from the board office.

140.6(1) At every regularly scheduled board meeting, time will be designated for public comment. During the public comment period any person may speak for up to two minutes. Requests to speak for two minutes per person later in the meeting when a particular topic comes before the board should be made at the time of the public comment period and will be granted at the discretion of the chairperson. No more than ten minutes will be allotted for public comment at any one time unless the chairperson indicates otherwise.

140.6(2) Persons who have not asked to address the board during the public comment period may raise their hands to be recognized by the chairperson. Acknowledgment and an opportunity to speak will be at the discretion of the chairperson.

140.6(3) The person presiding at a meeting of the board may exclude a person from an open meeting for behavior that obstructs the meeting.

140.6(4) Cameras and recording devices may be used at open meetings provided they do not obstruct the meeting. If the user of a camera or recording device obstructs the meeting by the use of such device, the person presiding at the meeting may request the user to discontinue use of the camera or device.

These rules are intended to implement Iowa Code chapters 17A, 21, 147, 155 and 272C.

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